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Senate

The Senate met at 10:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. John David Kistler, of Hickory, NC.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Lord, Your holy word says in the Book of Romans that those who serve in the halls of government are actually Your "ministers." Remind us that the work to be done here today is larger than any particular individual or political party.

Grant wisdom, O Lord, to this assembly that they might understand their responsibility not only to the people of this great Nation, but primarily to You.

May we understand what former President Grover Cleveland said, that "those who manage the affairs of government . . . should be courageously true to the interest of the people, and that the Ruler of the Universe will require of them a strict account of their stewardship."

Turn us, O Lord, back to you in humble contrition and acknowledgment of Your will and Your ways, for it is in the name of Jesus, our Redeemer, and Saviour that we humbly pray.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will immediately resume consideration of the Defense authorization bill. Under the order, we will resume debate on the Kennedy amendment relating to the earth penetrator. There will be 50 minutes of debate per side prior to the vote in relation to that amendment. Members should expect the first vote today prior to the policy luncheon recess.

As a reminder, the Senate will recess from 12:30 to 2:15 for the weekly policy meetings.

Last night, the Senate debated several amendments, and others are waiting in the queue to be offered. I anticipated that we would have votes today throughout the afternoon on some of the pending amendments. I have also previously mentioned the need to set votes on some of the pending judicial nominations. We expect to set three of those judicial nominations for votes late this afternoon, and we will alert Senators as to the precise time when the agreement is locked in.

As I have stated previously, it will be helpful if we can vote on some of these noncontroversial nominations by voice vote and not consume valuable Senate time with rollcall votes that result in unanimous confirmations. I will reiterate the importance of finishing the Defense bill this week. We have a number of scheduling requests, and we are doing our very best to work around those specific requests. However, Members should be prepared for busy days and evenings, if necessary, to finish this important defense legislation.

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leader time to make a relatively brief statement.

The PRESIDENT pro tempore. The Democratic leader is recognized for that purpose.

Mr. DASCHLE. Mr. President, over the past 4 years, our nation has gained a renewed awareness of the bravery and sacrifice of America's service men and women.

And through the exceptional valor they have routinely displayed, America has also gained a renewed sense of gratitude for the service of our veterans.

So it was with a heightened sense of respect and appreciation that America commemorated the recent anniversary of D-Day and Memorial Day, and dedicated the long-overdue memorial to the generation that fought and won World War II.

The veterans who came to Washington expecting to find one tribute cast in stone, encountered many living tributes, just as meaningful, and just as enduring.

Americans of all ages, of all backgrounds, said "thank you" to the veterans who fought for them. Some gave gifts of American flags. Others asked for pictures.

I recently heard a story about two World War II veterans who were eating dinner at a restaurant, when a young man they had never met thanked them, and struck up a conversation.

He asked about their service, and told them that two of his relatives didn't make it home from Europe.

When it came time for the two older men to pay the tab, they found that the young man had already paid it. He left a card that said, "To two old guys who paid the price, but who are not going to pay today."

The memory of our veterans' achievements will live on long after them, and all Americans should feel proud that, in this way, we have kept faith with our veterans.

But a shadow is cast over the tributes now paid to our veterans, and indeed, to our soldiers fighting in uniform today.

There seems to be a gap between the thanks America offers its veterans in word, and the thanks our government shows veterans in deed.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S6749

The waits at the VA hospital are too long.

Veterans are paying record amounts out-of-pocket for VA health services.

In recent days, we have learned that the White House is planning new cuts for FY06, even as the VA faces an influx of war veterans from Iraq.

This year, as in every election year, Americans will ask themselves, am I better off than I was four years ago? Am I safer? Am I more financially secure? Do I have better access to prescription drugs and health care than before?

In the coming months, America's 26 million veterans will be asking themselves those same questions. All America would do well to listen to their answers.

Recently, I heard from a South Dakotan named Howard Anderson.

Howard is 77 years old, a veteran of World War II. Howard is grateful to the doctors and nurses at the VA, but feels squeezed by the rising cost of prescription drugs.

On average, he pays around \$90 per month for medicine to treat his lung condition.

The VA won't pay for his medications because he makes too much money even though he and his wife live on their Social Security. "At the end of the month," he said, "I couldn't write you a check for a dollar."

Not long ago, the VA sent Howard a letter notifying him that he owed another \$300 for prescriptions.

After the shock wore off, Howard went back through his receipts and found he was being double-charged.

It had happened before, but he didn't have the patience to battle through the bureaucracy to make it right again, so he just paid the bill. This time, he just couldn't afford it.

The VA ultimately admitted it was making a mistake. But Howard is beginning to get the sense that tight budgets have forced the VA to become more aggressive about denying care or sending the bill to the veteran.

"They say these benefits are there for you," he says, "but when you go to get them, they don't give them to you."

Let me say that the problems with the VA health system are not the fault of the doctors and nurses and the other men and women who work at VA hospitals and clinics.

They are among the most talented, most dedicated health professionals in this country. But they can only do so much with the resources they are given.

And from the first days of this Administration, the White House has systematically tried to reduce veterans benefits, cut funding to the VA, and shortchange the health care of America's veterans.

Over the past four years, the budget for veterans' health has risen far less than the rate of health care inflation, forcing VA hospitals to meet rising demand with shrinking resources.

The White House's 2005 budget deepens this trend by including only a 1.9 percent funding increase, barely one-sixth of the rate at which health care costs are increasing nationwide.

Overall, the White House budget falls over \$4.1 billion short of veterans' needs, according to the Independent Budget created by leading nonpartisan veterans groups.

Not only would the White House's budget strain VA hospital budgets to the breaking point, it would drive nearly 800,000 veterans out of the VA health system.

Eight-hundred thousand Americans who were promised health care in exchange for their service to their country will be denied and kicked off the rolls for no reason other than the Administration's refusal to adequately fund veterans' health.

This would be on top of a recent decision by President Bush to deny our obligations to 200,000 Priority 8 veterans and keep them from enrolling in the VA health care system.

Those veterans who remain in the system have been forced to pay more, much more. Over the course of the last three years, the amount veterans have paid toward their own care has increased a staggering 340 percent, or \$561 million.

And if the White House gets its way, veterans would need to pick up over a half-billion dollars more of their care in 2005, if the budget proposals as we have now witnessed them go through.

Some within this administration seem to believe that our responsibility to our soldiers is when they come home, but we couldn't disagree more.

If it were not for the efforts of many in Congress, the story would be much worse. Since President Bush took office, we have led the charge to add a total of almost \$2 billion in funding for veterans health care beyond what the President proposed.

Moreover, in each of the last 3 years, Democrats have blocked Bush administration attempts to increase copayments and enrollment fees even higher. Is this the same President who ran for election with a pledge to veterans that "help is on the way"?

In the next few days, some of us will offer an amendment to make a simple promise to our veterans: If you wore the uniform of our Nation, if you fought under our flag, your health care needs will be met for life. The full funding of veterans health care would be made mandatory under the law.

For too long, the VA budget has been subject to the give-and-take of budget politics. It is time we set things straight.

Funding for the VA should no longer be set by political convenience, backroom deals, or zero sum game of budget politics. One thing, and one thing alone, should govern the care of our veterans: the needs of care for those veterans.

Senate Democrats have also been fighting, and we will continue to fight,

for full concurrent receipt of all disabled veterans under the remarkable leadership of my colleague, the distinguished assistant Democratic leader from Nevada.

The Bush administration has repeatedly threatened to veto concurrent receipt, and last year the White House called together leading veterans organizations to propose a compromise: We will give you full concurrent receipt but only if you agree to end disability benefits for two-thirds of all veterans.

Veterans organizations and their allies in Congress rejected the inadequate proposal. Instead, thanks in large part to Senator REID, Democrats were able to pass a provision to allow veterans rated 50-percent disabled or more to receive full concurrent receipt.

We have made progress on concurrent receipt since the last election, but it has been in spite of the administration, not because of it. What we have achieved so far is just a downpayment on what disabled veterans have been promised and what they deserve. How could we do otherwise? How could we let our country move forward and leave behind the men and women whose bravery has won our freedom and prosperity?

The debt we owe our veterans is unending. But just because we could never hope to repay fully our obligations to our veterans does not excuse us from trying. Today we are further away from doing right by our veterans than ever before.

America's veterans are not better off than they were 4 years ago. When he signed the GI Bill of Rights in 1944, President Roosevelt noted that "the members of our Armed Forces have been compelled to make greater . . . sacrifices than the rest of us, and they are entitled to definite action to take care of their special problems."

The current White House has allowed "definite action" to give way to little more than indefinite praise. Veterans deserve better. The soldiers fighting this very day, at this very moment, deserve better.

I think back to that young man 2 weeks ago who looked upon two men to whom he owed his freedom and way of life, and he knew enough to say thank you.

Then I think of Howard Anderson who did pay the price but is being denied help by the Government because it refuses to fully fund veterans health. Howard Anderson and all veterans are owed a debt.

We should acknowledge that debt every day, not just in stone monuments or in lofty speeches or bright parades. It should be repaid in a real and concrete commitment to care for veterans in the days when veterans need it the most.

These men and women risked their lives to defend our own. They stood up for us, and now we must stand up for them, not just with words but with action.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time that has not been used is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and other purposes.

Pending:

Kennedy amendment No. 3263, to prohibit the use of funds for the support of new nuclear weapons development under the Stockpile Services Advanced Concepts Initiative or for the Robust Nuclear Earth Penetrator (RNEP).

Reid (for Leahy) amendment No. 3292, to amend title 18, United States Code, to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts.

Dodd modified amendment No. 3313, to prohibit the use of contractors for certain Department of Defense activities and to establish limitations on the transfer of custody of prisoners of the Department of Defense.

Smith/Kennedy amendment No. 3183, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes.

The PRESIDENT pro tempore. The Senator from Colorado.

AMENDMENT NO. 3263

Mr. ALLARD. Mr. President, I understand we now have the Defense authorization bill before us and an amendment to that bill, which is the Kennedy-Feinstein amendment; is that the regular order?

The PRESIDENT pro tempore. The Senator is correct.

Mr. ALLARD. I thank the Chair. I yield the floor. The sponsor of that amendment wishes to make a few comments, and I wish to follow with a few comments.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Senator AKAKA be added as a cosponsor of the Kennedy-Feinstein amendment No. 3263.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I understand we have a time allocation of 50 minutes.

The PRESIDENT pro tempore. There is an allocation of 50 minutes on each side on the Kennedy amendment.

Mr. KENNEDY. On our side, the Senator from Michigan, our ranking member, has been allocated 10 minutes.

The PRESIDENT pro tempore. The Senator from Michigan is allocated 10 minutes; the Senator is correct.

Mr. KENNEDY. Mr. President, I yield myself 12 minutes.

We face many different issues in foreign policy, national defense, and the war on terrorism. But one issue is crystal clear: America should not launch a new nuclear arms race.

We want our children and grandchildren to live in a world that is less dangerous, not more dangerous—with fewer nuclear weapons, not more. But that is not the course that the Bush administration is taking. Even as we try to persuade North Korea to pull back from the brink—even as we try to persuade Iran to end its nuclear weapons program—even as we urge the nations of the former Soviet Union to secure their nuclear materials and arsenals from terrorists—the Bush administration now wants to escalate the nuclear threat by developing two new kinds of nuclear weapons for the United States—mini-nukes that can be used more easily on the battlefield, and bunker busters to attack sites buried deeply underground.

As President Reagan would say, “There you go again”—another major blunder in foreign policy. Our goal is to prevent nuclear proliferation. How does it help for us to start developing a new generation of nuclear weapons?

It’s a shameful double standard. As Mohammed El Baradei, the director of the International Atomic Energy Agency, said in an address to the Council of Foreign Relations in New York City said last month, “there are some who have continued to dangle a cigarette from their mouth and tell everybody else not to smoke.”

The specter of nuclear war looms even larger with the ominous statements of senior officials in the Bush administration that they in fact consider these new weapons more “usable.” If the Bush administration has its way, the next war could very well be a nuclear war, started by a nuclear first strike by the United States.

It is hard to imagine a dumber idea. The amendment that the Senator from California and I are offering will put a halt to the Bush administration’s plan to develop these new nuclear weapons. Just as “lite” cigarettes still cause deadly cancer, lower yield nuclear weapons will still cause massive death and destruction. No matter what you call them, a nuclear weapon is a nuclear weapon.

They still incinerate everything in their path. They still kill and injure hundreds of thousands of people. They still scatter dangerous fallout over hundreds of miles. They still leave vast areas that are radioactive and uninhabitable for years to come.

There are few more vivid examples of the misguided priorities of the Bush administration. For the past 15 months, our troops in Iraq have been under fire every day. They were sent into battle without the latest and best bulletproof vests and without armored Humvees. They were placed at greater risk, denied the basic equipment they

needed to protect themselves and do their jobs. Meanwhile, the Bush administration is urging Congress to provide hundreds of millions of dollars for new nuclear weapons.

The mini-nuke has a yield of five kilotons or less. That’s still half the size of the atomic bomb dropped on Hiroshima that killed more than 100,000 people—at least a third of the city’s population. Is it somehow more acceptable to produce a modern nuclear bomb that kills only tens of thousands instead of a hundred thousand?

The Bush administration also has extensive plans to develop the “bunker buster,” or, as the administration calls it, the Robust Nuclear Earth Penetrator. It would carry a nuclear warhead of around 100 kilotons—ten times the size of the bomb dropped on Hiroshima. It would be placed in a hardened cone capable of burrowing deep underground before exploding.

Even with today’s advanced technology, they would still spew thousands of tons of radioactive ash into the atmosphere.

There are more effective ways to disable underground bunkers. Using today’s highly accurate conventional weapons, we can destroy the intake valves for air and water. We can knock out their electricity. And we can destroy the entrances, preventing people and supplies from going in or getting out.

In fact, by rushing to develop these weapons, the Bush administration misses the point. The challenge of destroying deep underground bunkers is not solved with nuclear weapons. It will be solved by developing missile cones that can penetrate deeper into the earth without being destroyed on impact.

The bill before us authorizes a study of these two new nuclear weapons systems. It provides \$9 million for the development of advanced concepts for nuclear weapons, the so-called “mini-nukes,” and more than \$27 million for the robust nuclear earth penetrator, the so-called bunker busters.

Those who support the development of these weapons suggest that it is only research and that the research will have little effect on the rest of the world. The supporters of these weapons argue that since the funds are limited to research, the administration will not go on to produce these weapons without congressional approval. That is what Secretary Rumsfeld claimed when he testified before the House Appropriations Committee in February. He said that what has been proposed is some funds be used to study and determine the extent to which a deep earth penetrator conceivably could be developed, what it would look like, and whether it makes sense to do it. There are no funds in here to do it. There are no funds in here to deploy it since it does not exist.

The administration’s own budget contradicts that statement. Its budget assumes we will spend \$485 million on